

CITY COUNCIL MEETING OF
January 3, 2007
VERBATIM TRANSCRIPT – ITEMS 47 and 48

1 **Item 47 – Abeyance Item – Discussion and possible action to retain legal services of**
2 **Chevalier, Allen and Lichman to represent the City of Las Vegas in an appeal of the FAA**
3 **record of decision regarding the proposed right turn at McCarran International Airport**

4
5 **Item 48 – Discussion and possible action to award Contract No. 070128 for Aviation**
6 **Consultant Services – Department of Government and Community Affairs – Award**
7 **recommend to: WILLIAMS AVIATION CONSULTANTS, INC.**

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9
10
11 **Appearance List:**

12 OSCAR GOODMAN, Mayor
13 BRAD JERBIC, City Attorney
14 DR. BARBARA LICHMAN, Costa Mesa, California
15 STEVE WOLFSON, Councilman
16 LARRY BROWN, Councilman
17 LOIS TARKANIAN, Councilwoman
18 GARY REESE, Councilman
19 STEVEN D. ROSS, Councilman

20
21 32 minutes

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23 Typed by: Ydoleena Yturralde

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MAYOR GOODMAN

Item 47. I'll read this in conjunction with 47 and 48. Forty-seven is discussion and possible action to retain legal services of Chevalier, Allen and Lichman to represent the City of Las Vegas in an appeal of the FAA record of decision regarding the proposed right turn at McCarran International Airport.

Forty-eight is discussion and possible action to award Contract Number 070128 for Aviation Consultant Services, Department of Government and Community Affairs. Award recommended to Williams Aviation Consultants, Inc. These pertain to all the wards. Mr. Jerbic.

BRAD JERBIC

Thank you, Your Honor, and members of the Council and Happy New Year to everyone. You asked that we hold this item for a couple of weeks after Christmas so that I could call Barbara Lichman and have her present today to answer any questions the Council has regarding any potential litigation you wish to have read to you, challenge you and the proposed right hand turn at McCarran International Airport. The other item, just for the record, is Item 46 which I asked earlier to be stricken has been replaced with Item number 48 which is an actual contract with Williams Aviation. As you can see, we had originally recommended a \$100,000 set aside for Williams Aviation. It came down to \$57,000 as a result of us in contract negotiations, that's \$42,000 in contract costs and up to \$15,000 in reimbursable expenses for Williams Aviation. That's on Item number 48. And with that, Your Honor, I will introduce you to Dr. Barbara Lichman, who will be glad to answer any discussions regarding all information

MAYOR GOODMAN

Very good. Dr. Lichman, would you like to make some preliminary observations to us?

DR. BARBARA LICHMAN

Thank you, Mr. Mayor, members of the Council and thank you, City Attorney Mr. Jerbic. My name is Barbara Lichman. I am from Costa Mesa. My office is in Costa Mesa, California and we specialize in issues involving airport development. There are many communities in your

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position. That position is located off the end of a runway of a large and expanding airport. The impact of that size and the span to Carlton visited upon residential communities under flight path. In this case, our understanding is that there will be a change in the operation clause phases, not a necessarily, it's not a physical expansion issue. change in operations which will take a turn for the aircraft once we parted the end of the runway. Instead of going, turning to the left or south, they will turn to the right or north about 35 percent of the time. Our further understanding is that there are new communities located to the north and east of the airport which were not there back in 2001 when this procedure was originally recommended. It was rejected by the FAA at that time, but now it's been reinstituted for the alleged reason of increasing efficiency at the airport by not forcing all the aircraft to go over the same fixes, and therefore requiring some distance, increased distance between (inaudible) of stuff. The bottom line is that right turn may have some substantial noise impact over communities to the north of the airport. There is also another very important issue that has been given short thrift in the analysis provided by the airport and the FAA and that is air quality impacts. They were not analyzed, and as you know, this region is in serious (inaudible) on various pollutants, criteria pollutants that the EPA looks at to being important including carbon monoxide and particulate matter. And it is the view of our consultants so far, and it is preliminary, that the proposed right turn will cause increased air quality impacts by, and this is directly contrary to what is being said in this environmental report, by causing increased taxitocs (sic) by forcing aircrafts to sit at the end of the runway while waiting for coordination from Nellis Airforce (inaudible). Now, the issue of noise is going to be relatively confined, relatively I said. But the issue of air quality is going to be region wide and it's something with which not only the City of Las Vegas but the County, Clark County, and the United States of America is very concerned. And we believe that it requires further analysis before this procedure can go into effect. One more thing and then I'll (inaudible). There are some safety issues involved here, and those are conflicts with Nellis and with North Las Vegas, and our consultant with whom we have worked, our firm has worked on every project over the last ten years. He is quite convinced that there will be these conflicts. He, by the way, you'll be looking at his contract, he was the Air Space Manager for the Western Pacific Region of the FAA. He was Tower Manager for Chicago O'Hare, he was also Tower Manager at LAX. I

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mean, he has background to know these things, and he is convinced that there will be increased safety issues. And those are preliminary comments. I'll give you more when I have more but they become quite obvious on review.

MAYOR GOODMAN

Okay, I appreciate that. I think it's important that the public understands where the Council will be coming from assuming they support the retention of your firm and Mr. Williams' firm. I was, the issue that struck me the most when I read Mr. Williams' comments was the safety issue. I think that we, as a City Council, owe this community the obligation as part of our position of trust to do everything we can to make sure that the health and well-being of our constituents is protected. And the – emphasis was, on that particular aspect as far as my feelings on the retention. The – first time that I really have been advised of the separate issue of attainment under air quality is today. That has not necessarily been emphasized in any of the briefings that have taken place and I know how important that is because if we are not within attainment, all the federal dollars that come into this area for roads and for improvements and those things that do sustain our quality of life were terminated. We've been through this not only with particular matter but ozone and carbon monoxide and we've always been on the cusp, so to speak, of being within attainment, going out of attainment and whatever. The fact that you say that this is not just Las Vegas' problem at this point in time but the County's problem should open up their eyes, and they should begin to think in terms of their constituents as well and the community in general because they will be sorely affected if, in fact, we fall out of attainment due to the right hand turn. I'm going to propose and, of course, my colleagues are gonna be heard on this matter. I'm going to propose that the retention take place but conditionally. Not to show any weakness, of course, but to make sure that we as the stewards of the tax payer monies are able to do our job knowledgably and being use, being able to use prudence in our decision making. I'm going to put as a requirement, after the motion is made, that you report to us on a monthly basis. And certainly not to the detriment of a lawsuit or to your legal action, if necessary, you can brief us individually if you feel that a public briefing is not appropriate and justify whatever fees are being billed on an hourly basis to the City during that briefing. And if, in fact, at any time we

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112 feel that we're either not going to prevail or that the fight is a – futile fight, then we have to bring
113 it back for further discussion on a public basis to make sure that the public is kept aware as to
114 exactly what we're doing. It's important to me that the folks who live in this Valley understand
115 that, at least in my opinion, this is not just Las Vegas' problem. This is the community's
116 problem. If, God forbid, there be an accident caused as a result of the congestion and the issues
117 that you point out on the right hand turn from McCarran, taking into consideration North Las
118 Vegas or Nellis, that will have a devastating affect not only on the folks who are in the plane and
119 under the plane but also on our economy because we have a tourist-based economy. It's a very
120 sensitive economy. People elect to come here. If there's any kind of an inference that the public
121 could draw that there is a safety issue when you fly into or out of Las Vegas, that would have a
122 debilitating effect on the community as we know it today. So, I want the folks who have written
123 to my office that they know that this is not a rich man, poor man issue, this is not a Summerlin
124 versus Ward 3 issue. This is an issue that pertains to all of us in the City here and you have made
125 it into an issue today that pertains to all of us in the Valley here, and I hope that the County is
126 listening because this isn't just, it's not gonna be a freebee form. But this is – I think this is a very
127 important matter based on the information that I received, and I think we would be derelict in our
128 duty not to pursue it. That's my position. I'm happy to hear from my colleagues.

129
130 **COUNCILMAN WOLFSON**

131 Mayor Goodman.

132
133 **MAYOR GOODMAN**

134 Councilman Wolfson.

135
136 **COUNCILMAN WOLFSON**

137 Thank you. First of all, you've been referred to as Doctor. Are you a doctor?

138
139 **DR. BARBARA LICHMAN**

140 Yes. Not a medical doctor. I have a PhD in urban and regional planning from, forgive me, the

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141 University of Southern California.

142

143 **COUNCILMAN WOLFSON**

144 Okay. Well, Dr., thank you for coming today. I do have a series of questions and I'd ask the
145 Council for their indulgence. And I fully recognize that I don't wanna tip our hand. This is a
146 public setting here, we're being recorded and, for all I know, the FAA is listening and taking
147 notes. So, I certainly don't want to show our hand. You've done an anissle (sic), an initial case
148 assessment, I'm sure. Without going into detail, do you think we have a case that can be won?

149

150 **DR. BARBARA LICHMAN**

151 As we, we spoke earlier.

152

153 **COUNCILMAN WOLFSON**

154 Mm-hm.

155

156 **DR. BARBARA LICHMAN**

157 And that would depend on the definition of winning. The answer is, of course, we're not going to
158 proceed in a case that we feel is a dead bang loser. It doesn't pay us and it doesn't pay you.
159 Losing is not a good recommendation for a law firm. So, to take a loosing case would be like
160 bidding hara-kiri; however, in cases of this nature the Federal Government, unlike in a normal
161 court case, the Federal Government gets extreme deference from the courts for its decisions.
162 Therefore, the burden of proof is on us to show that the decision was not based on substantial
163 evidence. We believe, based on a preliminary evaluation, that on the issuance of, for example,
164 air quality, potentially cumulative impact, which goes with the safety issue, and, of course, the
165 derivative issue of alternatives, we can do that. But we like to use quantitative methods that our
166 consultants provide us, our air-quality consultants, to show that the way that the analysis was
167 conducted was flawed. The courts respond very favorable to that. So the answer to your
168 question, yes, we think we can win this case, we think based on a preliminary evaluation, but
169 with a monthly report. And if, at any time, we feel that our consult – for instance, if our

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170 consultant comes back and says, no, they were right, their numbers are good, in that case, I would
171 recommend to this Council that the case be abandoned and whatever amount of money has been
172 spent up to that time would be spent. But I think it would be a much attenuative (?) sum.

173

174 **COUNCILMAN WOLFSON**

175 And you are the lawyer who will be the primary lawyer working on this case?

176

177 **DR. BARBARA LICHMAN**

178 Yes.

179

180 **COUNCILMAN WOLFSON**

181 I've been asked by a number of constituents if we can file for injunctive relief, because it's my
182 understanding that the proposed right turn is scheduled to begin some time in mid March. That's
183 a couple months away. Is there a chance where we could ask and attain some sort of court order
184 prohibiting them from instituting the right turn.

185

186 **DR. BARBARA LICHMAN**

187 It's unlikely but not impossible, and my explanation is as follows: Because the standard of
188 review for injunctive relief is, one of them, one of the elements is irreparable injury as the
189 lawyers on this Council know. You have to demonstrate irreparable injury. If this procedure
190 were to start and then be stopped at some later date, it would be hard to show that there was some
191 sort of a irreparable injury except potentially if the air quality analysis is so flawed that it would
192 somehow deeply impact the compliance with the state implementation plan. Even in a
193 preliminary, even if it began, then maybe we could get it. But I think on the irreparable injury,
194 the probability of prevailing, maybe. Irreparable injury, probably not. It's not like a construction
195 project where they put up that building it's not coming down. You have irreparable injury.

196

197 **COUNCILMAN WOLFSON**

198 One of the things I'm a little concerned with is that if the right turn goes into effect in mid March

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199 and we began our – appellate process, if you will, in the next couple of weeks. This litigation
200 could take how long? Six months? Twelve months? Eighteen months? How long?

201
202 **DR. BARBARA LICHMAN**

203 It depends on if the Ninth Circuit sends us, this is going to the Court of Appeals, the Federal
204 Court of Appeals. That's required by the Airport and Airway Development Act. If the court
205 sends us into mediation, it will take longer. But there are very firm prescribed schedules and, of
206 course, as soon as we file within a week or two, we'll send a – schedule for the provision. The –
207 Justice Department will provide the administrative record within a certain period of time. We
208 will negotiate that to be as speedy as possible. We will have to review the administrative record
209 to see a basis for their decision making if any, and then the briefing schedule will be worked out.
210 Could be nine months. If there's mediation, it could be longer but mediation could help us and
211 attenuate this suit tremendously. Because if we are correct on the numbers, the mediation will
212 provide the forum in which we can negotiate a relief from this matter. Because, for them, if
213 we're right on the air quality numbers, they'll have to stop dead in their tracks because of the
214 conformity rule. So, there will be a basis for negotiation at that point. I'd say we'd go three
215 months before we determine that. Three – months to four months before we determine that.

216
217 **COUNCILMAN WOLFSON**

218 One of the things I'm concerned about is that if they start their right turn in mid March, knowing
219 that we are challenging and fighting that decision, and that this fight could well go into spring,
220 summer, fall, winter of 07, can they adjust the number of flights that are gonna be making this
221 right turn, the manner of the flights, the number of the flights, etcetera, to have a lesser impact,
222 knowing that if they schedule flights as they originally proposed, it would have a greater impact?
223 In other words, can they do that to try to appease the City of Las Vegas residents while this
224 litigation is pending?

225
226 **DR. BARBARA LICHMAN**

227 Oh, yes. They have flexibility as to when to use that right hand turn. That's what this whole

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228 thing's really about, to give them the flexibility to change the direction of the turn when they need
229 it to accommodate capacity overload.

230

231 **COUNCILMAN WOLFSON**

232 Okay. But my point is, will – we be monitoring this right turn when it goes into effect in March
233 during the litigation so as to gage whether or not they're playing with their number of planes and
234 the type of planes and the path of the airplanes? You know, if all of a sudden it's April or May,
235 and we're not hearing much and all of a sudden my constituents say, "Well, it's not as noisy as I
236 thought," are we gonna be able to monitor whether or not they're playing games with us?

237

238 **DR. BARBARA LICHMAN**

239 Oh, yeah. It's on – the internet. It's easy. I could do it today if you wanted to.

240

241 **COUNCILMAN WOLFSON**

242 And is that where Williams comes into play?

243

244 **DR. BARBARA LICHMAN**

245 Yes.

246

247 **COUNCILMAN WOLFSON**

248 Are they gonna be doing that?

249

250 **DR. BARBARA LICHMAN**

251 Yes. It's easy. You can call it up at any moment and you then you get –

252

253 **COUNCILMAN WOLFSON**

254 And you –

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255 **DR. BARBARA LICHMAN**

256 – a 20-minute delay.

257

258 **COUNCILMAN WOLFSON**

259 You already answered my question. You've worked with this Williams Aviation expert on many
260 cases over many years.

261

262 **DR. BARBARA LICHMAN**

263 That's right. Absolutely. He's – a treasure. He's absolutely terrific.

264

265 **COUNCILMAN WOLFSON**

266 Well, thank you for coming and answering the questions. Mayor, I'm gonna certainly support
267 your motion. I represent people that live out in the western area that are probably, on a sheer
268 numbers basis, the most affected and the greatest affected. And in the last year or so that this
269 issue has been on the – forefront of people's minds, probably about 98 percent of the people that I
270 represent want us to fight. I'm also mindful of spending taxpayer's money. We're talking about a
271 lot of money here, but in my opinion when we talk about the air quality impacts, as the Mayor
272 noticed, are Valley wide, if you will. Public safety is, not only Valley wide but state wide. God
273 forbid something drastic or tragic would occur. It could affect our economy state wide and then
274 in particular the noise impact for the people that I represent. And I've been elected to voice their
275 feelings and their concerns and with very few dissension, they are all in favor of fighting this
276 fight. Thank you, Mayor.

277

278 **MAYOR GOODMAN**

279 Thank you. Councilman Brown.

280

281 **COUNCILMAN BROWN**

282 Thank you, Your Honor. Dr., just a couple quick questions. One is, when it comes to the FAA,
283 do they have the discretion or the ability to just change operations at an airport? Is that within

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284 their scope that they could –

285

286 **DR. BARBARA LICHMAN**

287 Well, it must be generally speaking, the airport asks for that change. They don't just walk in and
288 say, you know, we've decided to make all these changes. Usually, the airport asks for it. Now,
289 there are over arching changes, like the east coast, four – four-corner post plan were instituted for
290 a number of years. Those are long term. Many years that planned on with the cooperation of
291 (inaudible) airport. So, the answer to your question is it's rarely done on the airport by airport
292 basis without the request of the airport.

293

294 **COUNCILMAN BROWN**

295 And you jumped ahead to my second question.

296

297 **DR. BARBARA LICHMAN**

298 Sorry.

299

300 **COUNCILMAN BROWN**

301 There seems to – no, it's perfect. I mean, you're out in front of me already. There seems to be a
302 lack of a definitive answer to the question: Who initiated this? Was it, I've heard, at least, from
303 either reporting or talking to different colleagues that the airlines asked for it, the FAA just
304 thought it was a capacity issue, the County may have been involved. Is it possible in your
305 preliminary work to find that out? Is it written somewhere or can someone answer that directly?

306

307 **DR. BARBARA LICHMAN**

308 I think I know already.

309

310 **COUNCILMAN BROWN**

311 Okay. And I'll, you don't – have to answer that yet.

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312 **DR. BARBARA LICHMAN**

313 Oh, okay.

314

315 **COUNCILMAN BROWN**

316 I'll be surprised. And just so I understand, the final question is the, at least publicly, the
317 justification or the reasoning behind this right hand turn has been increased efficiency at
318 McCarran. Is that –

319

320 **DR. BARBARA LICHMAN**

321 That is correct.

322

323 **COUNCILMAN BROWN**

324 Okay. Thank you. Likewise, Your Honor, I will be supporting your motion for many reasons but
325 mostly because I think there's some, there are answers out there that we have not been given and
326 the expertise that's before us today, I think, will provide the Council and our citizens those
327 answers that they have demanded.

328

329 **MAYOR GOODMAN**

330 Thank you. Any other comments or questions?

331

332 **COUNCILWOMAN TARKANIAN**

333 Mr. Mayor.

334

335 **MAYOR GOODMAN**

336 Yes. Councilwoman.

337

338 **COUNCILWOMAN TARKANIAN**

339 I agree with Councilman Brown on the fact that there are a lot of questions, and the same thing is
340 coming to me from residents of the ward I represent and these questions need to be answered. I

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wanted to reemphasize, the Mayor started out by talking about "this is not a rich man/poor man" fight, and I would sort of like to close reemphasizing that. I represent a ward greatly affected by this from whom I've been receiving many, many comments of not wanting this to go through. We are adjacent to an area that just had two crashes recently from North Las Vegas, Las Vegas Airport. We also have air quality problems. We went through a big thing with the high school in the ward I represent, a big thing with all of the new expansion of the freeways and this is not an affluent ward. This is not Summerlin that they, it seems the media has picked up that it's Summerlin and rich people. This is not what this is about and I wanted to reemphasize that from the Ward I represent. And my ward is adjacent to Mr., Councilman Weekly's ward and I know the same holds true for the residents that we're adjacent to. So I, I think I've emphasized from day one the safety factor, my concern about the North Las Vegas Airport, also we had such helicopter traffic from the hospital and from Metro in the areas. And again, these are not affluent areas. And I just hope that our being able to support you today will help us get the answers that, as Councilman Brown said, our constituents desire.

MAYOR GOODMAN

Thank you.

COUNCILWOMAN TARKANIAN

Thank you.

MAYOR GOODMAN

Any other comments? Mayor Pro Tem.

COUNCILMAN REESE

Thank you, Your Honor. Ma'am, I appreciate you being here. I've had, deal with the FAA for about ten years over the helicopter noise along the strip; the neighbors to the east. I find it very frustrating. I – find that they just like catching a laugh. I think that the only thing I've accomplished is maybe that there's as many helicopters still flying in the area, they just fly maybe

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a little bit higher and I can't tell how, if they are flying any higher or not. I – do have, the area that I represent it's not really gonna be affected by this too much, but I feel like that I've been elected to represent all the people, the City of Las Vegas, especially the people that elected me in my ward. I – have had a few of them that have called me and expressed concerns over the amount of money that were gonna be spent. It seems like they don't call and talk about the money we spent on the new parks, you know, on the other side of town. And – I really hope that those people that have called me look at this and – listen to what I'm trying to say is that I am gonna support the motion. I really feel like that it can be, it has been, it will be, I don't know, and that's talking about detrimental to our economy. God forbid if we do have any type of an accident anywhere in the Valley or in the state. We depend upon the tourist coming here and yes, the airplanes have to take off and land over somewhere. I understand all that. That's what my, I'm just repeating what my constituents have told me. And I just feel like we have to make sure that all of us up at this dais support one another in – those needs that we have. And I really feel like that it's important that we do at least explore the possibilities of maybe winning this – suit. And I – you got my support on, I hope we do win. And I – just feel it's important to – state those on the record because like I said, I want those people that have elected me, that I do support them. I think it's really necessary to spend this money to make sure that we do everything we can to make the City safe.

MAYOR GOODMAN

All right. Thank you, very much. Councilman Ross.

COUNCILMAN ROSS

Thank you, Your Honor. I feel like the lone gun here. I had many constituents in Ward 6 contact my office not wanting this money to be spent in this capacity. We are not affected by this right turn; however, as I've shared with Councilman Wolfson, if this was affecting my ward, I'd be carrying a flag and a torch as well. And that's what my constituents would want. That being said, we're faced with our own challenges in Ward 6 in the northwest along with Councilman Weekly and Councilman (sic) Tarkanian with this North Las Vegas Airport. So, I did a little

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399 homework, Councilwoman and Councilmen, if you – you'll indulge me.
400 North Las Vegas Airport's the second busiest airport in the state of Nevada. In 1999, over 40
401 incidents reported to the FAA not resulting in crashes, but since 1983, there's been over 100.
402 There's been over 50 crashes at the North Las Vegas Airport resulting in 17 deaths. This does
403 not, this record does not include injuries and that's been reported by the National Transportation
404 Safety Board. The Mianni family in 2004 was killed in a crash in the North Las Vegas Airport,
405 and I believe Mrs. Mianni worked here at the City of Las Vegas. In 1999, an airplane crashed
406 into a yard on Sysc Street about three blocks from my previous home in Ward 6. Two planes
407 crashed within three days in this last year and last November with one plane crashing at
408 Cheyenne and Clayton, another plane crashing at Jones and Rancho. North Las Vegas Airport
409 has an average of 232 thousand take offs and landings per year, that's tremendous. I don't know
410 what McCarran's numbers are. Since November 2006, North Las Vegas Airport had 37 percent
411 of the traffic that McCarran had with an airport the fraction of the size. I previously did not
412 support this initiative to fight this because I, at the current time, the consolidated tax has been flat
413 for the past quarter. Spending a signi – significant amount of the money has been a great interest
414 to the residents of Ward 6 and, as I represent their interests, I also count Mayor Pro Tem
415 represent the interest of this entire City. After doing my homework on the North Las Vegas
416 Airport and public safety issues dealing with the North Las Vegas Airport, I've changed my mind
417 and I want a, I'm not going to apologize to those residents in Ward 6 for joining the fight because
418 I think it's prudent. It is our responsibility to not only protect, my responsibility, not only to
419 protect the residents in Ward 6, but this entire City. And if that includes the County residents,
420 Mayor, then so be it. It is our responsibility as well.

421

422 **MAYOR GOODMAN**

423 All right. Thank you, very much.

424

425 **COUNCILMAN ROSS**

426 Thank you.

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427 **COUNCILMAN WOLFSON**

428 Mayor Goodman, I'm sorry.

429

430 **MAYOR GOODMAN**

431 Yes.

432

433 **COUNCILMAN WOLFSON**

434 Just for clarification.

435

436 **MAYOR GOODMAN**

437 Certainly.

438

439 **COUNCILMAN WOLFSON**

440 I don't know if it's been said, but I want to make sure it is said. The figures that we're talking
441 about right now which is \$57,000 for Williams Aviation and \$300,000, Dr. Lichman, for your
442 firm. Those are projected maximum amounts. We're not writing you a check today. We're not
443 writing Williams Aviation a check today. These are projected possible maximum amounts. You
444 will be billing us on a periodic basis so we may not spend those kinds of monies. Is that a fair
445 statement?

446

447 **DR. BARBARA LICHMAN**

448 That's correct with one change. That's an estimate. It could be much less, it could be more,
449 depending on this Council's decision. If this Council wishes to pursue something further, who
450 knows. These things tend to get, I – am very much in favor of this monthly report because these
451 things tend to get out of hand, and we want to come back to the Council and talk to you about
452 where you want to go each step of the way so that nobody comes back later and says, my
453 constituents said you spent way too much money, didn't get the results. This is fine, but the
454 answer, yes, be sure, estimate, pure estimate. It could be much less than that. It could be much
455 less because we may decide to hold this open if our numbers don't work.

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456 **COUNCILMAN WOLFSON**

457 Well, periodically, we'll be able to assess that and – we, as the Council, will make the decisions
458 along the way.

459

460 **DR. BARBARA LICHMAN**

461 Absolutely.

462

463 **COUNCILMAN WOLFSON**

464 Thank you.

465

466 **MAYOR GOODMAN**

467 Very good, thank you. My experience on the Las Vegas Convention Visitors Authority Board
468 has led me to the suggestion that we have these monthly reports because of when they were
469 building the south portion of our convention center, there, the monthly reports were not made,
470 and it was too late to stop everybody from going overboard. But now in our current construction,
471 at every meeting, there's a report given to us so we're able to evaluate whether or not the money
472 is being spent wisely. So, that's going to be part of my motion that **on a monthly basis, you**
473 **report to this Council as to your progress and a justification of your billing even though we**
474 **value, you know, your professional position. I am also going to, as part of my motion,**
475 **direct the manager to advise the County that we expect them, as a matter of equity and**
476 **fairness based on the air quality issue that has been brought to our attention today to**
477 **evaluate that.** Several years ago, our participation, as far as air quality in this Valley was
478 concerned, was taken away from us. Almost in a midnight raid- type manner. The health
479 district, which we have two representatives, was responsible for air quality issues and it has been
480 seeded to the County at this point in time. Now, it's being brought to our attention that this is a
481 real issue and this is not a Valley that has lines in it. These are artificial boundaries that separate
482 the cities from counties and alike. So, I – expect them equitably to seriously evaluate this and –
483 join with us on the fight if for no other reason to protect their position with air quality because
484 those particulates and the carbon monoxide, it doesn't say we're gonna drop in Las Vegas. It's

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485 right out there at McCarran and that's going to affect their air quality as well. So, that would be
486 part of my motion and I would **move to also approve the items in 47 and 48 on those**
487 **conditions.** That's my motion. Yes.

488

489 **BRAD JERBIC**

490 Sir before you vote, with all due respect and with your permission, I want to clarify this monthly
491 report idea. It could be done in many different ways. Typically, what might happen is Dr.
492 Lichman would – send a letter to my office which I would share with the Councilmembers and if
493 you want personal contact, we need to discuss that now. If you want –

494

495 **MAYOR GOODMAN**

496 In the beginning – my motion would include personal contact.

497

498 **BRAD JERBIC**

499 We could do that a couple different ways as well. Under the Open Meeting Law, I think we're
500 allowed to have a closed session to discuss pending litigation and if that is also (inaudible), we
501 could agenda this for a month, month and a half from now, have Dr. Lichman present, we could
502 do it in the back room, and you could then ask any question you want. You couldn't take any
503 action but you could collect reports.

504

505 **MAYOR GOODMAN**

506 That's fine. And then I could come out and tell the public what the status is. That's good. That'd
507 be part of the motion as well. All right. That's as to Items 47 and 48. Please vote. Post. Motion
508 carries (**UNANIMOUS**). Thank you and thank you for being with us today.

509

510 **DR. BARBARA LICHMAN**

511 And thank you for having me.

